

CLACHE TRIAL SIDELIGHTS.

COPS ACCUSE EACH OTHER OF INTIMACY WITH GIRL.

Cody Hearing Before Gen. Bingham Helps Gordon Murder Case Prosecution Osborne Calls Hunt for Man Who Gave Girl a Gun a Game of Butch, Butch.

Light was thrown yesterday on the significance of the trial of Patrolman Edward T. Cody at Police Headquarters for telling an alleged lie to Assistant District Attorney Ely. The alleged lie was his denial that he had said to two fellow policemen, George M. Billafer and Clarence Martineau, that Bertha Clache, about to be tried for killing Earl Gordon, was "squalling like a pig" and that Harry Morton, another policeman, had had a letter from the girl denying it.

James W. Osborne, counsel for Cody, announced in the course of yesterday's hearing that the District Attorney's office had received a letter saying that Morton had furnished the pistol to the Clache woman with which to shoot Gordon. Assistant District Attorney Ely did not deny the statement.

Then Mr. Osborne went further and declared Billafer was trying to put Morton in a bad position to shield himself and had cooked up the alleged conversation between Cody, Billafer and Martineau. He proved by the sworn statements of both Billafer and Morton that each of them had been intimate with the Clache woman, although each denied the accusation of the other, and he brought out that it was either Morton or Billafer who gave the woman the revolver, if one was given to her by a policeman to shoot Gordon.

"Now the game is," said Mr. Osborne, "to find the button; who's got the button? Cody knows nothing of this game between Morton and Billafer."

Cody, who fainted from what Police Surgeon De Forest called nervous exhaustion on Friday, was in much better physical shape yesterday, but he was allowed to sit in an armchair during the proceedings. Mr. Osborne resumed the cross-examination of Morton and said he simply wanted to aid Police Commissioner Bingham in getting at the truth of the case and not to begot it in any way. He brought out from Morton that he had been on intimate terms with Billafer and Martineau while they were members of the vice squad and that he had been on friendly but not intimate terms with Cody, who was attached to the same squad. Morton said he and Billafer had worked together for the District Attorney's office in trying to unravel the Clache case. He told how he had had the Clache woman dispossessed and he declared that Billafer, although he knew the character of the woman, had never done anything to drive her out of business.

Then Morton denied that District Attorney Ely that he had said to the Clache woman in a drug store, "He got the letter all right," and Mr. Ely abruptly turned to him and asked: "Where do you buy your cartridges?"

"I have never bought any," said Morton. "They were provided for me."

Then Mr. Osborne asked Morton if Billafer had not been intimate with the Clache woman. Morton said Billafer had and that he had gone one morning to the woman's apartment at 8 o'clock and had found Billafer asleep there and had awakened him. Mr. Ely tried to have Billafer brought into the room to hear this accusation, but Commissioner Bingham would not allow it. Then Mr. Osborne said: "You wouldn't like to take a walk ahead with a man and a woman was going to shoot from behind, would you?"

Morton said he would not and then he declared that the Clache woman had said to him in the patrol wagon after her arrest: "I come very near shooting you."

Morton asserted that after he had arrested Gordon the latter turned and said to him in the patrol wagon in English: "You have me pinched and I'll shoot you."

Billafer was then called in and Mr. Osborne complained of the evasive answers which had been given to Commissioner Bingham and said: "You see the difference in manner between these two witnesses?"

The Commissioner told him sharply to go on with his examination. Then Billafer said that he had visited the Clache woman only three or four times and that he went each time to her room with Morton. He said Morton wanted to question her about certain things. Mr. Osborne then told him that Morton had accused him of being intimate with the woman and had said that he (Morton) had awakened him in her room one morning. Billafer denied the truth of the story.

It was at this point that Deputy Commissioner Mack discovered a stenographer from the office of the counsel of the Clache woman in the room taking notes. Both Commissioner Bingham and Mr. Mack rose in their wrath and demanded the surrender of the full notes. The man was made to give them up and then Commissioner Bingham said: "Hurry up and get out of here."

The stenographer left abruptly. Osborne then turned upon Billafer and shouted: "Are you afraid of anything in this case?"

Billafer denied that he was, and then Mr. Osborne made his formal accusation against Billafer as the man who gave a police pistol to the Clache woman, if any were given, and said that it lay between him and Morton as to which one had done it. He charged that it was to put the act on Morton that Billafer and his intimate friend, Martineau, had lied up the story about Cody, and that both, knowing nothing about it, had naturally denied their statements when he was interrogated by Assistant District Attorney Ely.

"If you could convince Mr. Ely that Bertha Clache was writing to Morton wouldn't it tend to discredit Morton, and put the story told in a letter received by the District Attorney, that a policeman had furnished the woman with a revolver, directly up to Morton?"

Billafer was more or less confused by Mr. Osborne's questions, which implied a motive, and Commissioner Bingham interfered. He said he wanted the questions made simpler.

"Why, Mr. Billafer," said the Commissioner, "a distinguished man like you could even mix up a man like me. Make your questions simple."

Later Commissioner Bingham said to Mr. Osborne: "Don't judge every one by yourself. You must remember that not all of us are so bright as you are up here, tapping his forehead."

Then Mr. Osborne asked Billafer if Morton had not been intimate with the Clache woman. Billafer said Morton had, and that Morton several times had told him so.

It was brought out that Billafer, Morton and Martineau had all signed the report about searching for the boy who had been charged that Gordon was robbed of something like \$700 by the police.

Dr. De Forest testified as to Cody's physical condition and that he had died on Friday, and said that the man was fit to attend the trial in the afternoon. He said that he had expressed a willingness to have the trial go on. Cody testified that what he said was that he was better and that he wished the trial would be finished soon because of the nervous strain on him.

Then the Commissioner and Mr. Osborne had a little controversy as to the meaning of the term "leading question," and as to which side had a right to ask such questions. Mr. Ely said privately that he had got some light on the topic on account of "which the trial had been instituted, namely participation in the Clache woman's crime, if there had been any, but he would not say more than that he was satisfied."

The Police Commissioner announced that the hearing would be postponed until next Saturday, and he and his deputies, Wallis and Mack, and Mr. Osborne had a long informal discussion as to the merits of the case, in which Mr. Osborne commended his side and tried to convince the Commissioner that it was not possible that Cody could have made the remarks attributed to him by Billafer and Martineau.

DR. FULDA SEES HIS OWN PLAY.

Welcomed by a German Audience at the Irving Place Theatre.

Dr. Ludwig Fulda, the German dramatist and poet, who is in this country on a lecture tour, witnessed last night at the Irving Place Theatre the first production in this country of his play, "Maskerade." He was the guest of Direktor Conrad.

Dr. Fulda was called to the stage at the end of the second act, and although he responded to half a dozen curtain calls he did not talk. He was so impressed by the acting of Miss von Ostermann, Harry Walden, Otto Otthert and Hermann Rudolph that after the third act he went on the stage to congratulate them. Then the demands for a speech couldn't be overlooked, and Dr. Fulda stepped to the front of the stage.

"I regard myself as very fortunate to have seen such a successful presentation of my play as I have witnessed to-night," he said. "I want to thank Mr. Conrad and the public in general for giving me such a splendid opportunity to see how German art is appreciated in America."

"Maskerade" is one of the several plays dealing with the hypocrisy, cruelty and masquerading of society written by Dr. Fulda. Baron Max von Wittenhoff, a retired diplomat, desiring to atone for the sins of his youth, adopts Gerda Hubner, a school teacher, daughter of the woman he abandoned. She confesses her intimacy with Edward Schellhorn, a government employee, and son of a Privy Chancellor. The girl confesses to her father, and Baron von Wittenhoff goes to the elder Schellhorn, himself a cunning, selfish hypocrite, and proposes the marriage of his daughter to young Schellhorn. The latter, unaware that the Baroness is the school teacher, is finally persuaded by his father to agree, and he writes the girl a letter, breaking off their relations. She receives it just before she is to be married, and she goes to the Baroness, and bursting into the room where the marriage is being arranged, breaks up everything by denouncing her lover before his parents.

Gerda, yielding at last to the elder Schellhorn's importunities, decides to marry Edward if he will accept her as he first found her. Edward's selfishness will not stand the test and he is driven out of the house. The Baron's affection for his child is increased by her courage and Gerda finally decides after a struggle to continue to live with him as his daughter, regardless of the cruelty of society.

Mario Rosenhofer as Ellen von Tonnin, sister of Frau Schellhorn, was admirable as the virtuous woman maligned by society and unable to find protection against scandal-mongers. Hedwig von Ostermann as Gerda, Harry Walden as Edward and Otto Otthert as Baron Wittenhoff, achieved personal successes.

YESTERDAY AT THE OPERA.

Verdi in the Afternoon and in the Evening to Many Hearers.

Verdi had a field day at the Metropolitan Opera House yesterday. In the afternoon his "Aida" was given before a great audience. The house was entirely sold out and several minutes before the performance began the sale of admission tickets had to be stopped. About 100 persons were on the line at the time, and loud and vigorous were their complaints.

The performance was good. The cast was one to please all lovers of the delightful work, though it left some of the emotions of the score to be supplied by the sympathies of the auditors. Mme. Fances had the title role and her royal rival was Miss Walker. Mr. Caruso was the Rhamnis, Mr. Campanari the Amoruso and Mr. Plancon the judicial high priest.

In the evening the opera was "Rigoletto" and it was heard by a large audience. George Abbott, who sang Gilda a few days ago at a benefit performance, was again entrusted with the part last night. Her essay was altogether creditable, though it would be hard to say that it did anything toward lifting the role out of the rut of operatic conventionality.

Her voice was clear and fresh, she sang perfectly in tune, she phrased admirably, her execution was accurate and clean, and her delivery in general showed flexibility and ease. Her uppermost tones were not well taken and her makeup was much too pallid. But it must always be borne in mind that Miss Abbott is at the beginning of her career and has much to learn by experience.

The title role was in the capable hands of Mr. Scotti, while Mr. Dippel, the man of many parts, sang the Duke for the first time on any stage. Unfortunately he was in very bad voice and could not do himself justice. Mme. Jacoly was the Maddalena and Mr. Journe the Sparafucile.

YOUNG PEOPLE'S MUSIC.

Henri Marteau Plays an Unfamiliar Schumann Work Superbly.

The fifth of the symphony concerts for young people took place at Carnegie Hall yesterday afternoon. The soloist of the occasion was Henri Marteau, the distinguished French violinist. He played a work very rarely heard—Schumann's fantasy, opus 121—and Saint-Saens's G major romance for violin and piano. Mr. Marteau is an artist of admirable equipment and musical temperament. He was in excellent form yesterday and his playing was without question superb.

Frank Damrosch gave his audience an opportunity to hear three movements of Rubinstein's "Ocean" symphony, the first, the last and one of the middle ones. This music is not often heard now, but it might be played occasionally with pleasure to the hearers. The other numbers on the programme were four movements of Tchaikovsky's "Nutcracker" suite, and a Schubert march, orchestrated by Dr. Damrosch.

RUSSIAN MUSIC AGAIN.

A Novelty by Glazounov and Piano Playing by Lhevinne.

The Russian Symphony Society's concert at Carnegie Hall last night was attended by an audience of moderate size. The programme embraced Glazounov's suite, "From the Middle Ages"; Konyer's suite, "From Childhood"; and Bulock's grand polonaise. The most important of these was the first, which proved to be pleasing music, frankly melodious, but without much continuity, and certainly not at all original of modernism.

The soloist was the Russian pianist, Josef Lhevinne, who played numbers by Borodin, Scriabin, Scholzer and Liszt. His performance of the last hand study of Scholzer was a really remarkable piece of piano playing. Mr. Lhevinne is an artist of musical instinct and of excellent technical accomplishments.

News of Plays and Players.

A Browning recital will be given by Mrs. Sarah Cowell Le Moyne in the small ballroom at Sherry's on Monday afternoon, March 5, at 3.30, for the benefit of the Rev. Percy Stickney Grant is rector.

The management of the Garrick Theatre announces a projected matinee for Tuesday next. In view of this matinee, and also of the fact that Ash Wednesday comes this week, the usual Wednesday matinee will be omitted.

Rear-Admiral Hichborn Praises Pe-ru-na.



ADMIRAL'S WORDS CARRY WEIGHT.

REAR-ADMIRAL HICHBORN is one of the best known admirals of our navy. His statement concerning Peruna will have much weight as it goes into the world's press.

What he says is echoed by many other naval officers of high standing.

WHAT THE ADMIRAL SAYS.

Philip Hichborn, Rear-Admiral United States Navy, writes from Washington, D. C., as follows:

"After the use of Peruna for a short period, I can now cheerfully recommend your valuable remedy to any one who is in need of an invigorating tonic."—Philip Hichborn.

AN EVERPRESENT FOE.

The soldier and the sailor are especially subject to catarrh in some form or phase. Exposed as they are to constant changes, subject as they are to various vicissitudes, and all kinds of climate, wet and dry, night and day, they find catarrh to be their most insidious and everpresent foe.

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If you suffer from catarrh in any form, do not neglect it. Take Peruna at once. Delays in such matters are dangerous.

NEW JURY FIXING INQUIRY.

SEABURY CALLS TILLINGHAST AND OTHER WITNESSES.

Will Question Julian, the Metropolitan's Ex-Detective—Lawyers Talk of Reopening Accident Cases—Hayes Calls for Indictment of High Officials.

Justice Seabury of the City Court has taken a hand in the investigation of the charges of jury fixing against the New York City Railway Company, which was begun after William H. Tillinghast confessed that he had often sat as a juror in damage cases under assumed names, having been paid for his services by the corporation.

Justice Seabury is sitting as a Magistrate for the avowed purpose of finding out whether a crime has been committed. He has had Tillinghast before him, and subpoenas have been issued for other witnesses who are expected to appear this week.

One of them will probably be L. E. Julian, who was formerly a detective in the employ of the Metropolitan Street Railway Company. He admitted yesterday that it was he who made the written statement to the Ways and Means Committee of the Assembly in connection with the resolution calling for an investigation of the charges that the railway company had a regular system of corrupting jurors and that "vouchers representing amounts paid witnesses, jurors, plaintiffs, physicians, court clerks and others, covering a period of years, were abstracted from the records of the auditing department and packed in bundles by investigators in the employ of the company who were instructed to burn them in the engine room, 621 Broadway."

Julian was seen yesterday at the office of Lawyer A. Edward Woodruff, who is helping to push the case against the railroad. The ex-detective said that several actions had already been started by the State against the corporation, and that he was favorable to the Metropolitan in which it had been disclosed that the corporation employed fake jurors. Efforts to pin him down to particulars were for the most part unavailing.

Mr. Woodruff said he had drawn up a substitute for the investigation resolution now before the Ways and Means Committee of the Assembly which would probably meet the objections offered to the original resolution by Noble Hayes, who was counsel for the T. & M. Delay Committee, made a long-statement yesterday in which he said that there is no doubt that the repeated charges of corrupt practices made against corporations in accident suits have a solid basis of fact. He said that John L. Quackenbush, the present attorney of the New York City Railway Company, had admitted as much. Continuing he said:

"The wrong that has been done in the past to a multitude of litigants and to the State is not to be atoned for by the confessions of the company through the attorney employed to 'clean up all its crookedness,' and its professions of conversion to honesty and respect for justice after the statute of limitations is supposed to have run. Every effort should be made to convict the highest and most conspicuous officials of the company who can be held legally responsible for its misdoings, with all its far-reaching ramifications, thoroughly entrenched in power and influence, guarded by a mass of technical law with which the decisions have surrounded it, conscienceless and often corrupt to the core, as we have seen, is well light impracticable, and stands as a menace to public justice as the recent exposures and confessions demonstrate."

Tillinghast was arraigned yesterday in the Tombs police court before Magistrate Baker on a charge of having personated a juror on January 2.

The defendant refused to make any statement in court, and on advice of counsel, waived examination. He was committed to the Tombs in default of \$500 bail.

CHRONIC CATARRH OF THROAT.

"I was troubled with catarrh of the throat particularly, and suffered considerably as a result thereof for a period of about five years, and my general health was affected."

SOUGHT CHANGE OF CLIMATE.

"Three years ago I was forced to give up business, and took up my residence in the Western country, looking for relief in change of climate as well as a change in the method of treatment for my ailment."

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"I urge all who are afflicted to buy a bottle and begin its use at once. I have never heard of any who have used it, but be disatisfied with the results."—Frank W. Harris, box 23, Basic City, Va., member A. F. & A. M.

A TYPICAL TESTIMONIAL.

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"I have been a sufferer of catarrh of the stomach and kidneys for seven years. Doctors did me no good, and after taking Peruna for six months, at intervals, I believe I am cured. My appetite returned, I sleep well and work every day. I always have it in the house."

No remedy ever yet devised has received such unstinted eulogies from so many renowned statesmen and military men as Peruna.

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\$22.50 for WOMEN'S TAILORED SUITS in Pony, Eton and new Jacket styles, of all wool Panamas, Cheviots and Broadcloth, colors, navy, gray, Alice blue, coral and black. Also a variety of fancy mixtures and fine worsteds; well tailored, handsomely trimmed with braids and taffetas; Coats lined with good quality of taffeta or satin; sleeves, 1/2 and 3/4; skirts, new circular and plaited effects. Exceptional value.

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\$3.79 for WOMEN'S SKIRTS of all-wool Panama and Cheviots, in blue, brown, gray and black, also new mixtures of light and dark gray; made in full circular and plaited styles; most of them finished with bands of same material; all generously made and distinctively tailored.

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\$2.98 for WOMEN'S SHIRT WAISTS of sheer white lawn; entire front of fine embroidery. Others prettily trimmed with hemstitched insertions of Val, lace in scroll effect and fine tucks; short sleeves; collars and cuffs trimmed with lace.

\$1.69 for WOMEN'S SHIRT WAISTS of white lawn; fronts elaborately embroidered with embroidery and lace insertions; others of all-over embroidery and tucks; long or short sleeves.

New Dress Goods.

CREPE ALBATROSS, double width, all pure wool, in a full line of Spring shades, including cream and black. Value 50c; yard 33c

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The audience was one of good size and its enjoyment of the concert was made manifest. Miss Margulies and her two companions, Leopold Liechtenberg, violinist, and Leo Schulz, cellist, have now a record of two seasons of artistic achievement, and this trio is now well established. It is a welcome addition to the list of our chamber music organizations.

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20,000 White Lawn and Batiste Waists, long or short sleeves, tailored or fancy effects, 400 models—98c., \$1.38, \$1.68, \$1.98, \$2.98, \$3.98, \$4.98 each. Value \$1.50 to \$7.75. (Third Floor.)

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